

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

COMMWORKS SOLUTIONS, LLC

Plaintiff,

v.

COMCAST CABLE COMMUNICATIONS,
LLC and COMCAST CABLE
COMMUNICATIONS MANAGEMENT,
LLC,

Defendants.

Civil Action No.: 6:21-cv-00366-ADA

**DECLARATION OF TIMOTHY HORGAN-KOBELSKI IN SUPPORT OF
COMCAST’S OPENING CLAIM CONSTRUCTION BRIEF**

I, Timothy Horgan-Kobelski, declare as follows:

1. I make this declaration based upon my own personal knowledge and, if called upon to testify, would testify competently to the matters stated herein.

2. I am an attorney with the law firm Farella Braun + Martel, counsel for Defendants Comcast Cable Communications, LLC, and Comcast Cable Communications Management, LLC (collectively, “Comcast”) in the above-captioned case. I am an attorney licensed to practice law in the State of California and have been admitted to appear *pro hac vice* in this case pursuant to a text order dated July 22, 2021. I make this declaration in support of Comcast’s Opening Claim Construction Brief.

3. Attached hereto as **Exhibit 1** is a true and correct copy of U.S. Patent No. 6,832,249, filed in this case at Dkt. 1-1.

4. Attached hereto as **Exhibit 2** is a true and correct copy of U.S. Patent No. 7,027,465, filed in this case at Dkt. 1-2.

5. Attached hereto as **Exhibit 3** is a true and correct copy of U.S. Patent No. 7,177,285, filed in this case at Dkt. 1-3.

6. Attached hereto as **Exhibit 4** is a true and correct copy of U.S. Patent No. 7,760,664, filed in this case at Dkt. 1-4.

7. Attached hereto as **Exhibit 5** is a true and correct copy of U.S. Patent No. 8,923,846, filed in this case at Dkt. 1-5.

8. Attached hereto as **Exhibit 6** is a true and correct copy of U.S. Patent No. RE42,883, filed in this case at Dkt. 1-6.

9. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from Harry Newton, *Newton's Telecom Dictionary* (15th ed. 1999).

10. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from Plaintiff CommWorks Solutions LLC's Disclosure of Extrinsic Evidence, served in this case on October 1, 2021.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from Harry Newton, *Newton's Telecom Dictionary* (15th ed. 1999).

12. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from IEEE, *The IEEE Standard Dictionary of Electrical and Electronics Terms* (6th ed. 1996).

13. Attached hereto as **Exhibit 11** is a true and correct copy of Plaintiff CommWorks Solutions LLC's Opening Brief on Claim Construction, filed as Dkt. 57 on June 18, 2021, in Case No. 1:20-cv-07534 (S.D.N.Y.).

14. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the original application filed on April 7, 2005 for U.S. Patent Application No. 11/101,136 (which issued as the '664 patent).

15. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from an Office Action dated April 16, 2008 from the prosecution history of U.S. Patent Application No. 11/101,136 (which issued as the '664 patent).

16. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from an Office Action dated January 28, 2009 from the prosecution history of U.S. Patent Application No. 11/101,136 (which issued as the '664 patent).

17. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from Claim Amendments dated April 22, 2009 from the prosecution history of U.S. Patent Application No. 11/101,136 (which issued as the '664 patent).

18. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from Applicant Remarks dated April 22, 2009 from the prosecution history of U.S. Patent Application No. 11/101,136 (which issued as the '664 patent).

19. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts from Claim Amendments dated September 24, 2009 from the prosecution history of U.S. Patent Application No. 11/101,136 (which issued as the '664 patent).

20. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from a Notice of Allowability dated November 9, 2009 from the prosecution history of U.S. Patent Application No. 11/101,136 (which issued as the '664 patent).

21. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from an Office Action dated July 2, 2009 from the prosecution history of U.S. Patent Application No. 11/101,136 (which issued as the '664 patent).

22. Attached hereto as **Exhibit 20** is a true and correct copy of U.S. Patent Application No. 2003/0189919.

23. Attached hereto as **Exhibit 21** is a true and correct copy of excerpts from the 3rd Generation Partnership Project (3GPP) Technical Report TR 23.821 V1.0.1, published in July 2000.

24. Attached hereto as **Exhibit 22** is a true and correct copy of an excerpt from Applicant Remarks dated March 1, 2004 from the prosecution history of U.S. Patent Application No. 09/802,861 (which is the original parent application to which the '846 patent claims priority).

25. Attached hereto as **Exhibit 23** is a true and correct copy of U.S. Patent Application Publication No. 2001/0031635.

26. Attached hereto as **Exhibit 24** is a true and correct copy of excerpts from IEEE, *The IEEE Standard Dictionary of Electrical and Electronics Terms* (6th ed. 1996).

27. Highlighting has been added to some or all of Exhibits 1 through 24 for ease of reference in connection with Comcast's Opening Claim Construction Brief.

I declare under the penalty of perjury that the above is true and accurate to the best of my knowledge. Executed on October 15, 2021, in Berkeley, California.

/s/ Timothy Horgan-Kobelski
Timothy Horgan-Kobelski